



**PLANNING BOARD**

**Report to Town Meeting**

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**ARTICLE 7      DUPLEXES IN R-G & R-VC**

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To see if the Town will amend Section 3.321, Two family detached dwelling, of the Zoning Bylaw by changing the permit requirement in the R-G and R-VC Districts from Special Permit (SP) to Site Plan Review (SPR) and by adding the following new language under Standards and Conditions:

In all districts, the Special Permit Granting Authority or Permit-Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling is created.

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Recommendation

The Planning Board voted unanimously (7-0) to recommend that Town Meeting adopt this article.

Background

Article 7 is the first of several zoning amendments being proposed by the Planning Board in implementation of public intentions affirmed by the recent Master Plan process. Article 7 seeks to further the community's longstanding policy of encouraging new residential development in existing developed centers and neighborhoods, increasing density in those areas in order to preserve open space in outlying portions of Amherst.

The draft Master Plan also emphasizes responsible sustainable development in terms of the environment and energy use. This, too, reinforces a policy of directing new development into existing developed centers and neighborhoods where a full range of utilities and public transit are already present, and where residents can walk to jobs, shopping, services, and cultural events.

Article 7 takes a modest first step in this direction. It proposes to change the permit requirement for new duplexes (two family residences) in the General Residence (R-G) District around the town center and in the Village Center Residence (R-VC) districts around Amherst's outlying and historic village centers [see attached maps] from a discretionary Special Permit to a by-right Site Plan Review approval.

To protect the character of existing residential neighborhoods, Article 7 would also require permit-granting bodies to apply the existing design standards and principles established for the Design Review Board when considering the siting, layout, design, and details of two family residences created through new construction or through additions or renovations. These standards and principles strongly emphasize historic preservation, appropriate design, and compatibility with the surroundings. [See attached design review standards and principles.]

It should be noted that the Zoning Bylaw recognizes and separately regulates three different kinds of land uses that involve two dwelling units on a single property:

*Supplemental apartments* – A supplemental apartment is an accessory dwelling unit—a small (800-900 sq. ft.) apartment that exists in the same building with, and is subordinate to, an owner-occupied single family dwelling. Allowed by Special Permit only.

*Converted dwelling* – A converted dwelling is created by the ‘conversion’ of an attached or free-standing non-residential structure or portion of a structure into a dwelling unit. This category of residential use can involve an existing single family dwelling and the creation of a single new converted dwelling, whether attached or separate. In the R-G and R-VC districts, converted dwellings can, under a Special Permit, result in as many as 6 dwelling units on a property.

*Duplex* – Also referred to as a “two family detached dwelling”, a duplex is a single building containing two dwelling units, each with a separate entrance. A duplex can be the result of new construction or the renovation/expansion of an existing single family dwelling.

Article 7 proposes to change the permit requirement for duplexes only.

Proposals to allow duplexes in ‘center’ residential zoning districts by right have been brought before Town Meeting in the past, including by citizen petition, but have not been successful. With the nearing completion of the Master Plan, steadily-increasing fuel prices, and a plainly-stated desire by the community to accommodate new growth in socially-responsible ways, the Planning Board believes this is an amendment whose time has come.

It should be noted that few applications for duplexes are filed in Amherst annually—so far in 2008, there have been only two applications, both for properties located in the R-G District. This low number of applications may in part be a result of property owners reluctant to undertake a discretionary Special Permit process. With a shift to Site Plan Review, the community may see an increase in applications for duplexes. Article 7 will allow modest increases in density in those areas of Amherst where it is most appropriate, and will require the use of design criteria that ensure that duplexes—whether the result of new construction, additions or renovations—will fit into and be compatible with their neighborhoods.

### Public Hearing

The Planning Board held a public hearing on Article 7 on Wednesday, September 17. After public comment and further discussion, the Planning Board voted unanimously (7-0) to recommend that Town Meeting adopt Article 7.

**DESIGN REVIEW STANDARDS & PRINCIPLES****3.2040 General Principles**

- 1) Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.
- 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- 3) Stylistic features distinctive to the architecture of a specific building, structure or landscape, or examples of skilled craft which characterize a building, structure or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided whenever possible.
- 4) Contemporary design for new structures or sites, alterations or additions to existing properties shall not be discouraged when such new development, alterations or additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the design character of the surrounding environment.
- 5) The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance and usability of existing buildings, structure and sites.

**3.2041 Design Review Standards**

- 1) Height - The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings.
- 2) Proportions - The proportions and relationships of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.
- 3) Relation of Structures and Spaces - The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.
- 4) Shape - The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of a building or site, and that of its surroundings.
- 5) Landscape - Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape.
- 6) Scale - The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians.

- 7) Directional Expression - Building facades and other architectural and landscape design elements shall be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- 8) Architectural and Site Details - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, textures and grade shall be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. In the downtown business districts, these details should blend with their surroundings to create a diverse, functional and unified streetscape.
- 9) Signs - The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color, size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site, and those of other signs in the surroundings.